

1993 Senate Bill 602

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1993 WISCONSIN ACT 216

AN ACT to repeal 100.215; and to amend 93.07 (13) and 94.76 (title) and (1) to (4) of the statutes, relating to: the control of honeybee pests and the regulation of home insulation practices (suggested as remedial legislation by the department of agriculture, trade and consumer protection).

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the department of agriculture, trade and consumer protection and introduced by the law revision committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of this bill, the law revision committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

SECTION 1. 93.07 (13) of the statutes is amended to read:

93.07 (13) INSPECTION OF APIARIES. To inspect apiaries, furnish information to owners and caretakers with respect to the eradication and prevention of diseases and pest infestations injurious to honeybees.

SECTION 2. 94.76 (title) and (1) to (4) of the statutes are amended to read:

94.76 (title) Honeybee disease and pest control.

(1) The department shall maintain surveillance of the beekeeping industry for the detection and prevention of honeybee diseases and pests, and may promulgate or issue such rules or orders or adopt such control measures which in its judgment may be necessary to prevent, suppress or control the introduction, spread or dissemination of honeybee diseases and pests in this state.

(2) In the execution of its functions under this section, the department and its authorized agents shall have free access at all reasonable times to all apiaries, buildings, structures, rooms, vehicles or places where honeybees, beehives, beekeeping equipment or appliances, or honeybee products may be kept or stored, or in which

they may be transported, and may open any package or container believed to contain honeybees, honeycombs, honeybee products, beekeeping equipment or appliances or any other materials capable of transmitting honeybee diseases or harboring pests, and obtain inspectional samples from such products or materials for further testing, examination or analysis.

(3) Honeybees shall be kept in movable frame hives. No person shall knowingly store, hold or expose honeybee products, beehives or any other beekeeping equipment or appliances in a manner which may contribute to the spread or dissemination of honeybee diseases or pests.

(4) No person shall bring or cause to be brought into this state any beehive, drawn comb or used beekeeping equipment or appliances without a permit from the department. Applications for a permit shall be made on forms furnished by the department which shall include the name and address of the consignor, name and address of the consignee, date and manner of shipment, and such further information as the department requires. All applications shall be accompanied by a certificate from an official inspector of the state of origin certifying that such materials have been inspected within 30 days prior to shipment and are free from any evidence of honeybee diseases or pests. The permit, or a copy thereof, shall be attached to or accompany each shipment.

NOTE: SECTIONS 1 and 2 revise 2 statutes to clarify that the department of agriculture, trade and consumer protection (DATCP) is required and has the authority to respond to pest outbreaks that affect the beekeeping industry. According to DATCP, these amendments clarify DATCP authority to detect

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and prevent honeybee pests, in addition to DATCP's clearly stated authority to prevent and detect honeybee diseases.

SECTION 3. 100.215 of the statutes is repealed.

NOTE: This SECTION repeals s. 100.215, stats., which requires DATCP to promulgate rules for homeowner insulation standards. According to DATCP, this statute was created as part of ch. 20, laws of 1981 (the 1981–83 biennial budget act). However, language relating to funding and administration of the program, to which these rules were meant to apply,

was vetoed from the act, which makes the rule-making provisions unnecessary.

In addition, according to DATCP, this rule-making authority is unnecessary because rules regulating various aspects of home insulation and its installation have already been promulgated both by DATCP and the department of industry, labor and human relations under additional statutory provisions granting rule-making authority.